

**FILED**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

AUG 11 2014

Clerk, U.S. District Court  
District Of Montana  
Missoula

JACK NORMAN RUKES,

Petitioner,

vs.

MARTIN FRINK; ATTORNEY  
GENERAL OF THE STATE OF  
MONTANA,

Respondents.

Cause No. CV 13-116-M-JCL

ORDER GRANTING MOTION TO  
CONTINUE STAY PENDING  
APPEAL

This matter came before the Court on Petitioner Rukes's application for writ of habeas corpus under 28 U.S.C. § 2254. On March 11, 2014, based on the parties' written consent, *see* Consents (Doc. 27-1, 27-2), the case was assigned to the undersigned for all purposes, including entry of judgment and post-judgment proceedings, 28 U.S.C. § 636(c).

The Court entered a stay under Fed. R. Civ. P. 62 on July 9, 2014, to allow either or both parties time to move the Court of Appeals for a limited remand to correct the form of relief granted to Rukes. Respondents ("the State") filed a motion for remand on July 18, 2014, but the Court of Appeals has not yet ruled on the motion.

The State now requests an extension of the stay under Rule 62 for an additional 30 days to accommodate briefing and ruling on the motion for remand.

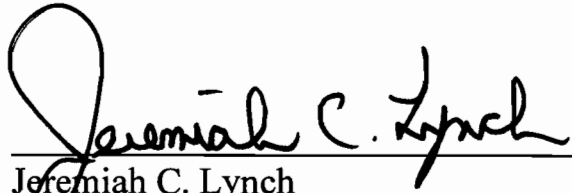
Although Petitioner Rukes opposes the extension, the State's request is a reasonable one.

Based on the foregoing, the Court enters the following:

**ORDER**

The State's motion for an extension of the Rule 62 stay (Doc. 50) is GRANTED. The stay shall remain in effect until **September 12, 2014**.

DATED this 14<sup>th</sup> day of August, 2014.



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Jeremiah C. Lynch  
United States Magistrate Judge